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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,062	05/12/2005	Mauri Kangas	886A.0010.U1(US)	2391
29683 7590 05/27/2009 HARRINGTON & SMITH, PC 4 RESEARCH DRIVE, Suite 202 SHELTON, CT 06484-6212				
EXAMINER				
AU, GARY				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
05/27/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/535,062

**Applicant(s)**

KANGAS, MAURI

**Examiner**

Gary Au

**Art Unit**

2617

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5, 6, 8-10, 41, 42, 44, 45 and 47-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 8-10, 41, 42, 44, 45 and 47-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/9/2009 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-3, 5, 6, 8-10, 41, 42, 44, 45 and 47-56 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3, 5, 6, 8-10, 42, 44, 45, 47-50 and 52-56 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 7,149,308 Fruehauf et al. (Fruehauf).

As to claims 1, 10 and 50, a method and an apparatus comprising: sending to a digital broadcast receiver (set-top boxes 101 – figure 1, col. 6 lines 19-29) through a digital broadcast network message detection data (figure 1, col. 6 lines 19-29), said message detection data comprising: a) at least one individual address corresponding to said digital broadcast receiver (individual seed, col. 6 lines 52-59), and b) for each individual address, at least one associated key (col. 6 lines 30-51), wherein said message detection data is encrypted using a key associated substantially uniquely with said broadcast receiver (col. 6 lines 30-51); decrypting said message detection data with said key associated substantially uniquely with said digital broadcast receiver at said digital broadcast (col. 7 line 57 – col. 8 line 22); storing said decrypted message detection data, including the at least one individual address and the associated key, in said digital broadcast receiver so as to configure said digital broadcast receiver to detect messages individually addressed thereto and received through said digital broadcast network (col. 7 line 57 – col. 8 line 22); sending a message from said digital broadcast network to said digital broadcast receiver, where the message comprises at least one of a message derived through a different network, (col. 10 lines 20-37) said message comprising: a) said at least one individual address (col. 6 lines 52-59 and col. 10 lines 20-37, it is obvious that in order for the home banking provider to communicate with the set top box is by following the system as described above), and b) message contents encrypted with one of said at least one associated key (col. 6 lines 30-51 and col. 10 lines 20-37, it is obvious that in order for the home banking provider to communicate with the set top box is by following the system as described above), said

digital broadcast receiver using the stored individual address to identify that said message sent through said digital broadcast network is addressed to said digital broadcast receiver (col. 6 lines 30-51 and col. 10 lines 20-37), and decrypting said message at said digital broadcast receiver using said stored at least one associated key (col. 10 lines 20-37).

As to claims 3, 42 and 52, Fruehauf teaches the digital broadcast receiver comprises a set top box (set-top boxes 101 – figure 1, col. 6 lines 19-29).

As to claims 5, 44 and 53, Fruehauf teaches said digital broadcast receiver has an individual identification code stored therein (col. 6 lines 30-59), and said method includes identifying said individual identification code and selectively storing in said digital broadcast receiver said detection data corresponding to said stored individual identification code (col. 6 lines 30-59).

As to claims 6, 45 and 54, Fruehauf teaches said at least one individual address corresponds to an individual identification code of said digital broadcast receiver (col. 6 lines 30-59).

As to claims 8, 47 and 55, Fruehauf teaches a group address for a message multicast through said digital broadcast network (col. 7 lines 17-27 and col. 10 lines 1-19).

As to claims 9, 48 and 56, Fruehauf teaches said message detection data includes a plurality of addresses associated with an individual identification coded of said digital broadcast receiver and decryption keys associated with individual ones of said addresses (col. 6 lines 30-51).

As to claim 49, Fruehauf teaches said digital broadcast receiver is integrated into a display device that displays a video portion from a message received by the digital broadcast receiver (figure 1, col. 6 lines 19-29).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 41 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,149,308 Fruehauf et al. (Fruehauf) as applied to claims 1, 10 and 50 above, and further in view of US Patent Application No. 2003/0056220 Thornton et al. (Thornton).

Considering claims 2, 41 and 51, Fruehauf teaches a method according to claim 1 but fails to disclose the messages comprises MMS messages.

In an analogous art, Thornton teaches MMS message ([0006]).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Freuhauß's system to include MMS message, as taught by Thornton, for the advantage of increasing the media that can be sent among mobile devices ([0006]).

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Au whose telephone number is (571) 272-2822. The examiner can normally be reached on 8am-5pm Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached on (571) 272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/VINCENT P. HARPER/  
Supervisory Patent Examiner, Art Unit 2617

/Gary Au/  
Examiner, Art Unit 2617